

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK
GAVIN C. THOMAS,**

Plaintiff,

**9:17-cv-1023
(GLS/CFH)**

v.

DELANEY et al.,

Defendants

APPEARANCES:

OF COUNSEL:

FOR PLAINTIFF:

GAVIN C. THOMAS

Pro Se

16-A-0095

Coxsackie Correctional Facility

P.O. Box 999

Coxsackie, NY 12051

FOR DEFENDANTS:

HON LETITIA JAMES

New York State Attorney General

The Capitol

Albany, NY 12224

JOHN F. MOORE

Assistant Attorney General

Gary L. Sharpe

Senior District Judge

ORDER

The above-captioned matter comes to this court following a Report-Recommendation and Order (R&R) by Magistrate Judge Christian F.

Hummel duly filed on August 13, 2019. (Dkt. No. 67.) Following fourteen

days from the service thereof, the Clerk has sent the file, including any and all objections filed by the parties herein.

No objections having been filed, and the court having reviewed the R&R for clear error, it is hereby

ORDERED that the Report-Recommendation and Order (Dkt. No. 67) is **ADOPTED** in its entirety; and it is further

ORDERED that defendants' motion for summary judgment (Dkt. No. 55) is **DENIED IN PART** and **GRANTED IN PART** as follows:

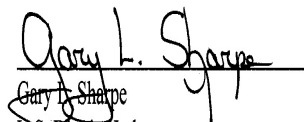
DENIED with respect to plaintiff Gavin C. Thomas' First Amendment free exercise claim against Delaney; and

GRANTED in all other respects; and it is further

ORDERED that the Clerk provide a copy of this Order to the parties in accordance with the Local Rules of Practice.

IT IS SO ORDERED.

September 6, 2019
Albany, New York


Gary L. Sharpe
U.S. District Judge